

## **REMARKS**

Claims 1-21, 24, 25, 27, 29, and 30 are pending in the application. Independent claims 1, 8, and 24 have been amended by the present amendment. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 48, line 16 to page 49, line 9; and FIG. 15).

As amended, independent claim 1 recites that a transmission control section "determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be retransmitted, when the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine, when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine" (*see also* independent claims 8 and 24). *See, e.g.*, specification at page 48, line 16 to page 49, line 9; and FIG. 15.

According to the Applicants' claimed invention, a receiving-end machine can receive a suitable image mail, e.g., in the event that any reception difficulties are resolved during retransmission (see, e.g., specification at page 49, lines 9-13).

Claims 1-5, 7-13, 29, and 30 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,775,705 to Maeda in view of U.S. Patent Application Publication US 2001/0040694 to Eguchi. Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Eguchi, and further in view of U.S. Patent 7,000,157 to Okamoto et al. Claims 14-21, 25, 27, and 28 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0020961 to Tanimoto in view of Maeda "in view of Eguchi." Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Eguchi "in view of Tanimoto." These rejections are respectfully traversed.

Regarding the rejection of independent claims 1 and 8 over the proposed combination of Maeda in view of Eguchi, and the rejection of independent claim 24 over the proposed combination of Maeda in view of Eguchi "in view of Tanimoto," these proposed combinations do not teach or suggest the above limitation of independent claims 1, 8, and 24.

Referring to column 9, lines 20-30 of Maeda, it is described that when an email cannot be processed by a receiving-side apparatus, a transmitting-side apparatus is notified, and the transmitting-side apparatus changes the format of an image file for retransmission.

On page 4, third paragraph of the Office Action of 10/17/2008, it was admitted that the Maeda reference does not teach or suggest "transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine."

Paragraphs 0042-0046 of Eguchi were cited allegedly to remedy the deficiencies of Maeda. In particular, on page 4, third paragraph of the Office Action of 10/17/2008, it was stated that: "the received electronic mail [in Eguchi] is transmitted with a receipt notification request."

In Eguchi, a facsimile device 13 used as a data sending device can request "the receiving device to send back reception notification" by turning ON a reception notification request mode, as described in paragraph 0035 of Eguchi.

Subsequently, as described in paragraphs 0042-0046 of Eguchi, a CPU 1 of the receiving device checks a header of the electronic mail to determine "whether the receipt notification request mode is 'ON' or 'OFF'," and thus generates receipt confirmation image data if required.

However, the proposed combination of Maeda in view of Eguchi does not teach or suggest that a transmission control section "determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be retransmitted, when the number of actual retransmissions is less than the predetermined set number of times, the

transmission data is retransmitted without altering its format to the receiving-end machine, when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine," as recited in independent claim 1 (*see also* claims 8 and 24).

Therefore, even if Eguchi and/or Tanimoto were combined with Maeda, the proposed combinations would not teach or suggest the Applicants' claimed invention. Therefore, independent claims 1, 8, and 24 and their respective dependent claims are patentable over the proposed combinations.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

/Steven M. Jensen/

---

Steven M. Jensen  
(Reg. No. 42,693)  
Edwards Angell Palmer & Dodge  
P.O. Box 55874  
Boston, MA 02205

Date: January 21, 2009

Phone: (617) 239-0100

Customer No. 21874